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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,871

04/21/2006

Shin Kikuchi

100763

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38834

7590

01/05/2011

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EXAMINER

DAGER, JONATHAN M

ART UNIT

PAPER NUMBER

3663

NOTIFICATION DATE

DELIVERY MODE

01/05/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/576,871

Applicant(s)

KIKUCHI ET AL.

Examiner

JONATHAN M. DAGER

Art Unit

3663

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 December 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see below.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/JACK KEITH/

Supervisory Patent Examiner, Art Unit 3663

Note 11: The Examiner maintains all grounds of rejection mentioned in the prior office action (Final Rejection issued 15 September 2010), which is incorporated herein.

It is noted that the Applicant has argued (see arguments pages 2-3) that Robotham (US 2002/001542) does not explicitly disclose that identification information (e.g. "version information") is related with the symbol image data.

The Examiner respectfully disagrees; it is believed that the applicant is referring to the (A10) element of claim 1. While "version information" can be read into the claimed embodiments, another reasonable interpretation of elements A9-A10 is merely the terminal is checking to insure the symbol image data is currently updated. The terminal of Robotham is configured to store image data (para 0062-0063), and upon selection by the user on the interface (user requests update of image data, para 0073, 0074, 0120, 0134), if the mobile device does not contain the data necessary the mobile device connects with the terminal to obtain the updated symbol image data.

Further, it is not even explicitly claimed that the contended embodiments and their respective processes occur on the mobile terminal; "Reference characters corresponding to elements recited in the detailed description and the drawings may be used in conjunction with the recitation of the same element or group of elements in the claims. The reference characters, however, should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. The use of reference characters is to be considered as having no effect on the scope of the claims." MPEP 608.01 (m).

Therefore, the Examiner maintains the rejection of claims 1, 6, and 9 under 35 U.S.C. 102(b) for those reasons cited above, and those mentioned in the prior office action which is incorporated herein.

Applicant contends (see pages 3-4) that Robotham does not disclose the identification information transmission request information transmitter.

The Examiner respectfully disagrees; it is believed that the Applicant is referring to element (A7), as claimed. The Examiner is interpreting the claimed embodiment to mean that the mobile terminal transmits symbol image identification requests to the server before the image is displayed. Robotham discloses that the user, using the interface can request data about a particular image (e.g. selection of a display item using a pointing device); the request goes to the server, and the server provides the image data (para 0073, 0074, and 0081). Therefore, given the broadest reasonable interpretation of the embodiment, claims 1, 6, and 9 remain rejected under 35 U.S.C. 102(b) for those reasons cited above, and those mentioned in the prior office action, which is incorporated herein.

Applicant contends (page 4 second paragraph) that Robotham does not disclose resolution related information is provided to the server. The Examiner respectfully disagrees; as cited by the Applicant, the server uses the expected client resolution data. This expected resolution is in response to the display surface capability of the mobile terminal (para 0108 and 0120).

Therefore, given the broadest reasonable interpretation of the embodiment, claims 1, 6, and 9 remain rejected under 35 U.S.C. 102(b) for those reasons cited above, and those mentioned in the prior office action, which is incorporated herein.

Although not specifically mentioned in the arguments, all claims depending from claims 1, 6, and 9 remain rejected under their respective grounds as mentioned in the prior office action(s), which are incorporated herein. Further, claims 5, 12, 13, 23, and 24, and any claims descendent therefrom remain rejected under their respective grounds as mentioned in the prior office action(s), which are incorporated herein.